

REMARKS

This Amendment and Response is submitted in response to the outstanding non-final Office Action, dated July 12, 2007. Claims 1 through 45 are presently pending in the above-identified patent application. In this response, Applicants
5 propose to amend claims 1, 20, and 33. No additional fee is due.

In the Office Action, the Examiner rejected claims 1-45 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10 The Examiner also rejected claims 1-5, 10, 14, 15, 18-22, 26, 30-35, 39, and 43-45 under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (United States Patent Application Publication Number 2002/0026369) in view of Goldbeig et al. (United States Patent Number 6,985,885), and rejected claims 6-9, 11-13, 16-17, 23-25, 27-29, 36-38, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over Miller et al. in view of
15 Goldberg et al., and further in view of Haddawy ("An Overview of Some Recent Developments in Bayesian Problem-Solving Techniques, AI Magazine, La Canada: Summer 1999, Vol 20, Issue 2; page 11, 9 pages).

Section 112 Rejections

Claims 1-45 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1, 20, and 33, the Examiner asserts that the applicant did not have possession of the invention as claimed at the time of filing the application and asserts that there is no mention of how a request comprises non-textual information and analyzing the request and the non-textual information to create additional information within the context of enabling an electronic marketplace. The Examiner further asserts that "analyzing the request and the non-textual information to create additional information from the request" is confusing because the limitation "and the non-textual information" is something in
25 addition to the request, not part of the request as cited in the previous line of the claim.
30

Applicants note that the present specification teaches a “request for locations” (Page 23, line 8.) The specification teaches how a request can comprise non-textual information (see, page 23, lines 4-12). Thus, in light of the present specification, a person of ordinary skill in the art would understand how a request comprises non-textual information. In addition, the specification describes “analyzing the request and the non-textual information to create additional information within the context of enabling an electronic marketplace” at page 7, line 17, to page 8, line 13; page 10, line 19, to page 13, line 10; page 17, line 9, to page 19, line 19; and page 20, line 14, to page 24, line 16. Applicants also note that independent claims 1, 20, and 33 have been amended to require analyzing the request *comprising* non-textual information to create additional information from the request.

Thus, Applicants respectfully request that the section 112 rejections be withdrawn.

Independent Claims 1, 20 and 33

Independent claims 1, 20, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller et al. in view of Goldberg et al. Regarding claim 1, the Examiner asserts that Miller discloses collecting a request from a buyer for a requested good wherein said request comprises non-textual information. The Examiner acknowledges that Miller does not specifically disclose information goods, but asserts that Goldberg teaches a system for pricing and selling digital goods. The Examiner asserts that it would have been obvious to modify Miller to include digital goods as taught by Goldberg. In the Response to Arguments section of the present Office Action, the Examiner asserts that the product bar codes disclosed by Miller are scanned by a bar code reader and are used in the request from a buyer. The Examiner further asserts that the buyer may access a portal or web page and indicated his selection by clicking on an item.

Applicants note that a bar code may be suitable for the goods disclosed by Miller; a bar code is *not* suitable, however, for a system based on Miller that has been modified to *include digital goods*. For example, it is not obvious as to how a digital good can be identified by a bar code (as conventionally used), as would be apparent to a person

of ordinary skill in the art. Thus, Miller and Goldberg, alone or in combination, do not disclose or suggest a *request comprising non-textual information*

Regarding the Examiner's assertion that the buyer may access a portal or web page and indicated his selection by clicking on an item, Applicants note that the 5 items that can be "clicked on" are textual items (see, FIGS. 5A-1 to 5B-2). As previously argued, Applicants note that the present specification teaches that a request can comprise information that is *not* in a textual format. For example, non-textual information includes spectral bands (page 22, lines 18-24), spatial texture and/or weather pattern(s) (page 23, lines 4-12), and ground moisture (page 23, line 27, to page 24, line 5). Independent 10 claims 1, 20, and 33 have been amended to require analyzing the request comprising non-textual information to create additional information from the request.

Thus, Miller et al. and Goldberg et al., alone or in combination, do not disclose or suggest analyzing the request comprising non-textual information to create additional information from the request, as required by independent claims 1, 20, and 33,

15 as amended

Additional Cited References

Haddaway was also cited by the Examiner for its disclosure, for example, that "any Bayesian network inference algorithm can be used." Applicants note, however, that Haddaway does *not* address the issue of analyzing a request comprising non-textual 20 information to create additional information from the request.

Thus, Haddaway does not disclose or suggest analyzing the request comprising non-textual information to create additional information from the request, as required by independent claims 1, 20, and 33, as amended

Claims 6 and 36

25 Claims 6 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miller et al. in view of Goldberg et al., and further in view of Haddaway. In particular, the Examiner acknowledges that Miller and Goldberg do not specifically disclose creating at least one inference from each of the offered information goods, but asserts that Haddaway teaches the topic of inference in Bayesian networks.

Applicants note, however, that neither Miller nor Goldberg nor Haddaway discloses or suggests creating at least one inference *from offered information goods*, and that *none of the cited references* disclose or suggest combining the technique(s) of Haddaway with the inventions of either Miller or Goldberg.

5 Thus, Miller et al., Goldberg et al., and Haddaway, alone or in combination, do not disclose or suggest creating at least one inference from each the offered information goods, as required by claims 6 and 36.

Dependent Claims 2-19, 21-32 and 34-45

10 Dependent claims 2-5, 10, 14, 15, 18, 19, 21, 22, 26, 30-32, 34, 35, 39, and 43-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller et al in view of Goldberg et al., and claims 6-9, 11-13, 16, 17, 23-25, 27-29, 36-38, and 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller et al in view of Goldberg et al., and further in view of Haddaway.

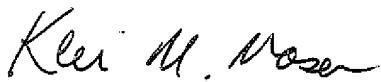
15 Claims 2-19, 21-32, and 34-45 are dependent on claims 1, 20, and 33, respectively, and are therefore patentably distinguished over Miller et al., Goldberg et al., and Haddaway (alone or in any combination) because of their dependency from amended independent claims 1, 20, and 33 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

20 All of the pending claims, i.e., claims 1-45, are in condition for allowance and such favorable action is earnestly solicited

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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